

**NO. 07-18-00374-CR**  
**NO. 07-18-00375-CR**

**DARREN LAMONT BIGGERS**

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**COURT OF APPEALS**

**VS.**

**SEVENTH DISTRICT**

**THE STATE OF TEXAS**

**OF TEXAS**

FILED IN  
7th COURT OF APPEALS  
AMARILLO, TEXAS  
7/19/2019 8:50:35 AM  
VIVIAN LONG  
CLERK

**MOTION FOR LEAVE OF COURT AND**  
**MOTION EXTEND TIME TO FILE THE STATE'S BRIEF**

**TO THE HONORABLE JUSTICES OF SAID COURT:**

Now comes the State of Texas in the above styled and numbered cause, and moves this Court to grant the State leave of court to file an extension of time to file the State's brief, and a motion to extend time to file the State's brief pursuant to Rule 38.6 and 10.5(b) of the Texas Rules of Appellate Procedure.

Initially, the State asks for leave of court to file this request for an extension. The State's brief was due yesterday, July 18, 2019. Counsel for the State intended to file a request for an extension for the reasons stated below and conferred with counsel for the Defendant about the extension, who is in agreement with the extension. However, the State failed to timely file an extension. There is no legal excuse for the State's failure to file the extension. It was simply an task that failed to get completed in a timely manner.

Next, the State requests an extension for good cause shows the following:

1. The State's brief was due July 18, 2019.

2. The State requests an extension of time of 30 days from the current due date to at least August 18, 2019.

3. This is the first extension requested by the State in this cause.

3. The Defendant is currently incarcerated.

4. The State relies on the following facts as good cause for the requested extension: The State has another brief due in this court on August 12, 2019 which the State has been dedicating time too. Further, Counsel for the State is the lead prosecutor on a felony jury trial, State v. Jeremy Maupin, CR18-00580, that was scheduled for July 22, 2019—and only got reset to July 29, 2019 yesterday—to which the State has been dedicating significant time. As a result, the State has been unable to dedicate adequate time to prosecuting this appeal.

**WHEREFORE, PREMISES CONSIDERED,** Appellee prays that this Court grant leave to file this Motion to Extend Time to File Appellee's Brief and grant the requested extension, and for such other and further relief as the Court may deem appropriate.

Respectfully submitted,

/s/ Eric Erlandson

Eric Erlandson

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### **CERTIFICATE OF CONFERENCE**

I certify that on July 16, 2019, I conferred with Jeromie Oney, Attorney for Appellant, with the following result: Attorney for Appellant agrees to my motion.

/s/ Eric Erlandson  
Eric Erlandson

### **CERTIFICATE OF SERVICE**

This is to certify that on July 19, 2019, a true and correct copy of the above and foregoing document was served on the Attorney for Appellant, via the Texas efilings system.

/s/ Eric Erlandson  
Eric Erlandson